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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/757,885	01/15/2004	Frank Torsten Seide	M61.12-0558	5179
27366 7590 01/25/2008 WESTMAN CHAMPLIN (MICROSOFT CORPORATION) SUITE 1400 900 SECOND AVENUE SOUTH MINNEAPOLIS, MN 55402-3319			EXAMINER NEWAY, SAMUEL G	
			ART UNIT 2626	PAPER NUMBER
			MAIL DATE 01/25/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/757,885

Applicant(s)

SEIDE ET AL.

Examiner

Samuel G. Neway

Art Unit

2626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 November 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This is responsive to the Amendment filed on 07 November 2007.
2. Claims 1 – 16 are still pending.

Response to Amendment

3. The Claim Objections of claims 3 and 16 are withdrawn in view of Applicant's amendments.
4. The Specification Objection is withdrawn in view of Applicant's amendments.
5. The Claim Rejections under 35 USC § 101 of claims 12 – 16 are withdrawn in view of Applicant's amendments.

Response to Arguments

6. Applicant's arguments with respect to claims 1 – 7 have been considered but are moot in view of the new ground(s) of rejection.
7. Applicant's arguments with respect to claims 12 – 16 have been fully considered but they are not persuasive. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., mutual information) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Claim Rejections - 35 USC § 112

8. Claims 8 – 16 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Independent claims 8 and 12 recite a score which is a function of a likelihood that phones occur consecutively and a likelihood that each phone occurs independent of other phones. It seems as though Applicant is relying on the equation on page 11, paragraph 3 of the specification as description of the cited limitation. However, the equation shows, at most, that the mutual information is defined as a function of a joint probability between adjacent phones and the probabilities of each of the two phones.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 1 – 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over James et al ("A Fast Lattice-Based Approach to Vocabulary Independent Wordspotting", Proc. ICASSP, Adelaide, 1994) in view of Schalkwyk et al (US PGPub 2003/0009331).

Claim 1:

James discloses a method of searching audio data (Abstract), comprising:
receiving a query defining multiple phonetic possibilities ("keyword pronunciation", page 1, col. 2, paragraph 4); and
comparing the query with a lattice of phonetic hypotheses associated with the audio data to identify if at least one of the multiple phonetic possibilities is approximated by at least one phonetic hypothesis in the lattice of phonetic hypotheses ("wordspotting stage then becomes a symmetric dynamic programming match of the keyword pronunciation against each lattice", page 1, col. 2, paragraph 4).

However, James does not explicitly disclose the query comprising a grammar corresponding to pronunciation alternatives that define multiple phonetic possibilities for a segment of input speech.

Schalkwyk discloses that it is typical in high-accuracy speech recognizers to represent each word with alternative sequences of phonemes corresponding to different pronunciations of the word ([0007]).

It would have been obvious to one with ordinary skill in the art at the time of the invention to represent James' query using alternative sequences of in order to take into account different pronunciations (Schalkwyk, [0007]).

Claim 2:

James and Schalkwyk disclose the method of claim 1, James further discloses: calculating a score indicative of the difference between said at least one of the multiple phonetic possibilities and said at least one hypothesis in the lattice (page 2, col. 1, lines 5-11).

Claim 3:

James and Schalkwyk disclose the method of claim 2, James further discloses: adding a penalty value to the score if said at least one of the multiple phonetic possibilities is approximated by disconnected phonetic hypotheses (page 1, col. 2, paragraph 4).

Claim 4:

James and Schalkwyk disclose the method of claim 1, James further discloses: identifying a plurality of phonetic hypotheses in the lattice of phonetic hypotheses that approximate the query (page 2, col. 1, lines 5-11).

Claim 5:

James and Schalkwyk disclose the method of claim 4, James further discloses: ranking ("best path score") the plurality of phonetic hypotheses identified (page 2, col. 1, lines 47-50).

Claim 6:

James and Schalkwyk disclose the method of claim 1, James further discloses: identifying a time span associated with said at least one phonetic hypothesis in the lattice of phonetic hypotheses (page 2, col. 1, lines 47-50).

Claim 7:

James and Schalkwyk disclose the method of claim 1, James further discloses wherein the query is represented as at least one of a finite-state network, a context-free grammar and a prefix tree (page 2, Table 1, and related text).

Conclusion

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Samuel G. Neway whose telephone number is 571-270-1058. The examiner can normally be reached on Monday - Friday 8:30AM - 5:30PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David R Hudspeth can be reached on 571-272-7843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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